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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/540,674	03/31/2000	Reza Majidi-Ahy	164.1001.01	2065
22883	7590	05/24/2004	EXAMINER	
SWERNOFSKY LAW GROUP PC			SMITH, SHEILA B	
P.O. BOX 390013			ART UNIT	PAPER NUMBER
MOUNTAIN VIEW, CA 94039-0013			2681	19
DATE MAILED: 05/24/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/540,674	MAJIDI-AHY, REZA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sheila B. Smith	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-5,7,8,12-18,20,21,25-31,33,34,38 and 39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5,7,8,12-18,20,21,25-31,33,34,38 and 39 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)               |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5,12-18, 25-31,38,39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uratani (U. S. Patent Number 5,850,593) in view of Bassirat (U. S. Patent Number 6,122,513).

*Regarding claims 1-5, 12,13,15-18, 25-31, 38, 39* Uratani discloses essentially all the claimed invention as set forth in the instant application, further Uratani discloses mobile communication for a mobile station near or outside a service area of a base station. In addition Uratani further discloses steps of wirelessly sending a message from a base station controller (11), base station controller (11) being capable of controlling a communication cell (13), to at least on customer premises equipment (15) 1,where in steps of sending include, sending a message from a source (11) within cell (13) to a first access point (which reads on a repeater as disclosed in the applicant's specification (15)3) associated with base station controller (11) and, and sending a message from first access point (which reads on (15)3) to a destination within a cell (13) and as disclosed in column 2 lines 60-67 and column 3 lines 10-11, a message is sent

via first access point (which reads on a repeater as disclosed in the applicant's specification (15)3) instead of line of sight from a base station controller (11) to a customer premises equipment (15)1, but is sent via first access point (15)3, wherein first access point includes a routing a switching device (mobile station); sending message from first access point (15)3 to destination further includes sending message from first access point (15)3 to a second access point (15)1 and sending message from second access point (15)1 to destination (15)2; and wherein routing or switching device (mobile station) is disposed so that first access point (15)3 and second access point(15)1 are in a single one of sectors (13) or in different ones sectors (17) as exhibited in figure 1. However Uratani fails to specifically disclose wherein cell includes a plurality of sectors,

In the same field of endeavor of packaging systems for data transfer, Bassirat discloses a method for extending hard-handoff boundaries within a mobile telephone communications network. In addition Bassirat discloses the use of a cell includes a plurality of sectors as disclosed in column 2 lines 40-45.

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Uratani by specifically providing for a cell includes a plurality of sectors for the purpose of extending the reception level of the signal sent from the base station controller.

*Regarding claims 14, 27,* Uratani discloses everything claimed, as applied above (see claim 1) additionally Uratani disclose the use of a base station controller (11) capable of controlling a communication cell (13) comprising wireless communication equipment including an antenna a transmitter (23) and a receiver (21) and a processor (35) that controls the equipment, (11), base station controller (11) being capable of controlling a communication cell

Art Unit: 2681

(13), to at least one customer premises equipment (15)1, where in steps of sending include, sending a message from a source (11) within cell(13) to a first access point (which reads on a repeater as disclosed in the applicant's specification (15)3) associated with base station controller (11) and, and sending a message from first access point (which reads on (15)3) to a destination within a cell (13) and as disclosed in column 2 lines 60-67 and column 3 lines 10-11, a message is sent via first access point (which reads on a repeater as disclosed in the applicant's specification (15)3) instead of line of sight from a base station controller (11) to a customer premises equipment (15)1, but is sent via first access point (15)3, wherein first access point includes a routing or switching device (mobile station); sending message from first access point (15)3 to destination further includes sending message from first access point (15)3 to a second access point (15)1 and sending message from second access point (15)1 to destination (15)2; and wherein routing or switching device (mobile station) is disposed so that first access point (15)3 and second access point(15)1 are in a single one of sectors (13) or in different ones sectors (17) as exhibited in figure 1. However Uratani fails to specifically disclose wherein cell includes a plurality of sectors,

In the same field of endeavor of packaging systems for data transfer, Bassirat discloses a method for extending hard-handoff boundaries within a mobile telephone communications network. In addition Bassirat discloses the use of a cell includes a plurality of sectors as disclosed in column 2 lines 40-45.

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Uratani by specifically providing for a cell includes a plurality of sectors for the purpose of extending the reception level of the signal sent from the base station controller.

Art Unit: 2681

3. Claims 7-8,20-21,33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uratani in view of Bassirat and further in view of Norman et al. (U. S Patent Number 6,049,533).

***Regarding claims 7-8,20,21,33-34*** Uratani in view of Bassirat discloses everything claimed, as applied above (see claim 1) however, the combination of Uratani in view of Bassirat fails to specifically disclose the use of sending from a source is at least partially wireless.

In the same field of endeavor of packaging systems for data transfer, Norman et al. discloses a network communication system with information rerouting capabilities. In addition Norman et al. discloses the use of sending from a source is at least partially wireless and disclosed in column 1 lines 53-55.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Uratani by modifying a mobile communication for a mobile station near or outside a service area of a base station with the use of sending from a source is at least partially wireless, as taught by Norman et al. for the purpose of reducing cellular traffic.

### ***Conclusion***

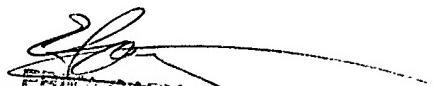
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

Art Unit: 2681

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika Gary can be reached on 703-308-0123. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith   
April 28, 2004

  
ERIKA GARY  
PATENT EXAMINER